

# EXHIBIT QQ

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

NORTHERN DIVISION

- - - - - X

EQUAL EMPLOYMENT OPPORTUNITY :

COMMISSION, :

Plaintiff, :

KATHY C. KOCH, : Case No

Intervenor/Plaintiff, : WDQ-02-CV-648

v. :

LA WEIGHT LOSS CENTERS, INC., :

Defendant. :

- - - - - X Pages 1-106

DEPOSITION OF MERCEDES GENERETTE

District of Columbia

Tuesday, September 6, 2005

Reported by: Marijane Simon, RDR, CLR

Job No. 174959

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1 A. (The witness nodded).  
 2 Q. So you don't have a specific  
 3 recollection of reading an EEO policy in that  
 4 book?  
 5 A. No.  
 6 MS. KARETNICK: Now, Ms. Generette,  
 7 you signed a declaration in this case --  
 8 THE WITNESS: Mm-hmm.  
 9 MS. KARETNICK: -- and I'm showing  
 10 that declaration to you. That declaration is  
 11 marked as Exhibit 6. Mr. Anderson.  
 12 Oh, wait a second. Swap. I'm giving  
 13 you my handwritten notes.  
 14 Ms. Generette, why don't you just take  
 15 a moment and review --  
 16 MR. ANDERSON: What exhibit is this?  
 17 MS. KARETNICK: -- the declaration.  
 18 It is Exhibit 6, as we went out of order, but  
 19 we've now, I think, come full circle.  
 20 THE WITNESS: Okay.  
 21 BY MS. KARETNICK:  
 22 Q. Ms. Generette, this declaration was

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1 signed on December 20, 2003; is that correct?  
 2 A. Yes.  
 3 Q. Did you write this declaration or type  
 4 it, as it were?  
 5 A. I didn't type it. I did not type it,  
 6 but I did sign this.  
 7 Q. Looking at paragraph 1 of your  
 8 declaration, is it fair to characterize paragraph  
 9 1 as a brief synopsis of your employment at LA  
 10 Weight Loss?  
 11 A. Yes.  
 12 Q. Looking at paragraph 2, I'm going to  
 13 read portions of paragraph 2. "During my  
 14 employment as manager of LA Weight Loss's Manassas  
 15 center, I told a friend who I thought would make  
 16 an excellent counselor, Antonio Conway, that the  
 17 Manassas center had counselor openings. I  
 18 suggested that he apply, which he did. I  
 19 personally gave his application to LA Weight Loss  
 20 area manager Kimberly Bellone, telling her that  
 21 the application was from a friend who would make  
 22 an excellent counselor. Later, upon my inquiry,

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1 Ms. Bellone said she lost that application."  
 2 I'm going to stop there.  
 3 A. Mm-hmm.  
 4 Q. How do you know Mr. Conway?  
 5 A. We attend the same church. Very close  
 6 friends.  
 7 Q. You suggested to Mr. Conway that he  
 8 apply to LA Weight Loss for a counselor position?  
 9 A. Yes.  
 10 Q. And you suggested that he do so while  
 11 you were manager?  
 12 A. Yes.  
 13 Q. Did you suggest that he apply to the  
 14 Manassas center?  
 15 A. Yes.  
 16 Q. Why did you make that suggestion?  
 17 A. Because of his customer service  
 18 skills. He's a people person, a motivator, and he  
 19 would have made an excellent counselor.  
 20 Q. Were there openings in the Manassas  
 21 center at the time that Mr. Conway applied?  
 22 A. Yes.

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1 Q. My question assumes that Mr. Conway  
 2 did in fact apply.  
 3 A. Yes, he did.  
 4 Q. Did you provide Mr. Conway with an  
 5 application to complete?  
 6 A. Yes, I did.  
 7 Q. And he did so?  
 8 A. Yes.  
 9 Q. He gave that application to you?  
 10 A. Yes.  
 11 Q. And you passed that application on to  
 12 Ms. Bellone?  
 13 A. Yes.  
 14 Q. Did Ms. Bellone say anything to you  
 15 about Mr. Conway's application after you gave it  
 16 to her?  
 17 A. No. She never mentioned it until I  
 18 brought it up to her.  
 19 Q. How long was it after you gave  
 20 Ms. Bellone the application that you brought up  
 21 Mr. Conway?  
 22 A. A couple of weeks.

14 (Pages 50 to 53)

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1 Q. What did you say to Ms. Bellone?  
 2 A. I asked her about the application, had  
 3 she looked at it, was she going to call him for an  
 4 interview.  
 5 Q. And what did she say?  
 6 A. She had lost the application.  
 7 Q. Did she suggest to you that Mr. Conway  
 8 reapply?  
 9 A. No, she did not.  
 10 Q. Did you mention to Ms. Bellone that  
 11 you were going to ask Mr. Conway to reapply?  
 12 A. No, I did not.  
 13 Q. Did Mr. Conway reapply?  
 14 A. Yes, he did.  
 15 Q. I'm going to finish reading the  
 16 balance of paragraph 2.  
 17 "Mr. Conway re-applied, again through  
 18 me. Upon reviewing Mr. Conway's second  
 19 application, Ms. Bellone said to me, 'He's not  
 20 what we're looking for.'" I asked, 'Why?'  
 21 Ms. Bellone responded to me by saying, 'Because  
 22 women won't come.'"

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1 A. (The witness nodded).  
 2 Q. Is that what happened?  
 3 A. Yes.  
 4 Q. Was there any other conversation  
 5 between you and Ms. Bellone on the subject of  
 6 Mr. Conway's application?  
 7 A. No.  
 8 Q. What, if anything, did you say to  
 9 Ms. Bellone after she made her remark that "He's  
 10 not what we're looking for?"  
 11 A. I asked her what did she mean by that.  
 12 Q. And what did she say?  
 13 A. And that's when she told me that women  
 14 wouldn't come.  
 15 Q. And what did you understand the  
 16 comment, "Because women won't come," to mean?  
 17 A. For two reasons. He was black, and he  
 18 was a man.  
 19 Q. Now, during your time at the Manassas  
 20 and Falls Church centers --  
 21 A. Mm-hmm.  
 22 Q. -- did you know any other men who

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1 worked as counselors for LA Weight Loss?  
 2 A. When I was in Falls Church, they hired  
 3 some man in Burke.  
 4 Q. They hired someone to work as a  
 5 counselor in Burke?  
 6 A. Yes.  
 7 Q. And Burke is the name of a center?  
 8 A. A center, yes.  
 9 Q. And do you recall that gentleman's  
 10 name?  
 11 A. No, I do not.  
 12 Q. Do you know who hired him?  
 13 A. No, I do not.  
 14 Q. Was Kim Bellone --  
 15 A. Oh, I believe he was transferred.  
 16 Q. From Burke?  
 17 A. No. From Maryland to Burke. I  
 18 believe that's how it came out.  
 19 Q. But you don't recall his name?  
 20 A. No.  
 21 Q. Do you know who the supervisor was?  
 22 A. No. Let me take that back. Robin

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1 McPherson was one of his supervisors. And then  
 2 during that time -- I don't know who was over --  
 3 because the same person was over my center was  
 4 over that center, too, that was over Tamy.  
 5 Q. Other than the man that you've just  
 6 described --  
 7 A. Mm-hmm.  
 8 Q. -- were you aware of any other men  
 9 working for LA Weight Loss?  
 10 A. Other than the owner or --  
 11 Q. Other than the owner. I'm sorry. In  
 12 the capacity of counselor --  
 13 A. No.  
 14 Q. -- or assistant manager, med tech.  
 15 A. No.  
 16 Q. Did you ever visit any centers other  
 17 than Falls Church and Manassas?  
 18 A. Yes.  
 19 Q. Which other centers had you visited?  
 20 A. Alexandria, the Burke center, also  
 21 over in Maryland. I think it's Laurel, Maryland.  
 22 Q. Why had you gone to those centers?

15 (Pages 54 to 57)